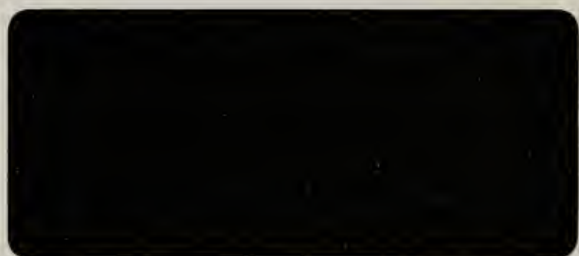
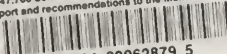


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Report and  
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COMMISSION ON THE USE OF APPROPRIA  
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REPORT AND RECOMMENDATIONS TO TH  
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COMMISSION ON THE USE OF APPROPRIATE  
TECHNOLOGY IN THE MONTANA JUDICIARY  
REPORT AND RECOMMENDATIONS TO THE  
MONTANA SUPREME COURT

DECEMBER 1988

PLEASE RETURN



MEMBERSHIP  
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SUPREME COURT COMMISSION  
TO STUDY THE USE OF APPROPRIATE TECHNOLOGY  
IN THE MONTANA JUDICIARY

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Montana Supreme Court  
Helena, Montana

Honorable Douglas Harkin  
District Court  
Fourth Judicial District  
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Honorable Thomas A. Olson  
District Judge  
Eighteenth Judicial District  
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Honorable Bernard F. McCarthy  
Justice of the Peace  
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Mr. John Van  
Clerk of the District Court  
Flathead County  
Kalispell, Montana

Mrs. Clara Gilreath  
Clerk of the District Court  
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Helena, Montana

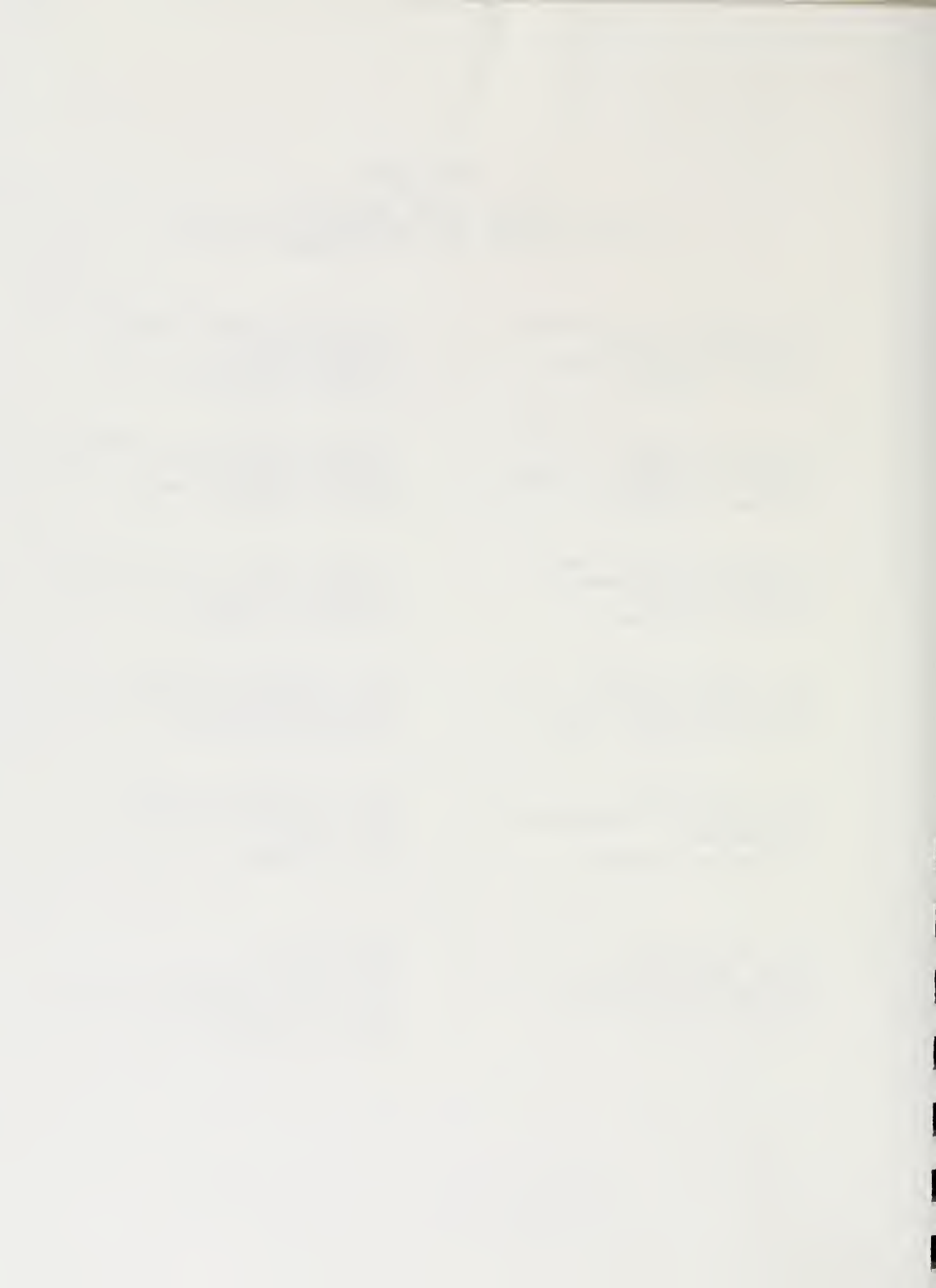
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Clerk of the District Court  
Yellowstone County  
Billings, Montana

Mrs. June Little  
Clerk of the District Court  
Park County  
Livingston, Montana

Mrs. Maryhelen Habeger  
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Hill County  
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Helena, Montana



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- A. Proposed Bill Draft Providing  
Improvement Funding for Computer  
Software Development, Training,  
Education, and Expenses of A  
Judicial Commission on Technology





## EXECUTIVE SUMMARY OF RECOMMENDATIONS

The Montana Supreme Court created the Commission to Study the Use of Appropriate Technology in the Montana Judiciary in December, 1987. The Court charged the Commission with conducting a comprehensive review of the current state of automation in the Montana Judiciary, analyzing the current and future need for appropriate technology, and recommending further action to the Supreme Court.

The Commission held five meetings during calendar year 1988. During its examination, the Commission found that the Montana Judiciary lags significantly behind other branches of government -- both at the state and local level -- in the use of computers to do basic word processing and information management. There are several fundamental reasons for the lag. In part, it is due to the lack of a clearly articulated set of long-range goals and objectives. Education and exposure to the modern potential of computers is a further reason for the lag. But the greatest problem today is the lack of clear financial support to modernize and improve judicial operations. This is made all the more difficult by recent budget constraints at the state and local level.

The Commission makes the following recommendations to identify



long-range goals and objectives and to move the Judiciary towards a more coordinated and intensive use of modern computers:

1. The Supreme Court should take a strong leadership position inside and outside of the Judiciary to insure that the Court system is adequately equipped with modern tools and that they are used effectively and efficiently to manage the Judiciary's workload.
2. The Commission should become a permanent Commission of the Supreme Court charged with both developing and monitoring long-range goals and objectives for automation within the Montana Judiciary. A permanent Commission is needed so that the Judicial Branch can begin to control its own information and management needs -- to set a course that makes sense to it and to adjust that course when necessary in a constantly changing world. Without a Commission to oversee and coordinate the general direction of computerization in the Judiciary, the court system will continue to make uninformed decisions and be at the mercy of outside data processing staffs and grandiose promises made by computer vendors.
3. Standards should be adopted by the Supreme Court for compatible hardware and software, and uniform data



elements, standards, and definitions used within the Judiciary. The primary goal of such standards would be to create a coordinated system of computers within the Judiciary that is adaptable to the needs and capabilities of the various counties, allows easy transfer of information among diverse users, and is compatible with state-level information and statistical needs.

4. The use of microcomputers operating on MS DOS systems should be strongly considered as the hardware standard adopted by the Supreme Court. Microcomputers appear to offer the greatest opportunity for promoting judicial efficiency in word processing and information management, they are relatively low cost, and they provide flexibility for communicating with a variety of other systems.
5. A microcomputer-based software package should be developed for statewide applications. This software package should be developed in distinct modules that can be phased-in over a 5-year period and customized for individual courts. The initial development should concentrate on providing management components for the Clerk of District Court and Limited Jurisdiction Courts and ultimately link Judges and other judicial personnel



with the automated records of the clerks office.

6. The Supreme Court Administrator's Office should be given responsibility for coordinating and monitoring the use of technology in the judiciary. As part of this responsibility the Administrator's Office should begin as quickly as possible to develop an in-house capacity to:

- act as a clearing house for information on hardware and software;
- establish an educational and training program to assist judicial personnel with the task of becoming familiar with computer technology;
- begin the development of standard software programs that will serve the needs of District Court Judges, clerks offices, and judges and personnel in Courts of Limited Jurisdiction;
- offer short-term technical assistance for computer installation and implementation problems.

7. The Supreme Court should explore with the Legislature and county officials the funding of long-term improvements of judicial operations through hardware purchases and software development. The Commission

Students are required to write a paper in which they must identify a specific management concept, define it, and then apply it to a specific business situation. The paper must be written in a clear, concise, and professional manner. The student must also provide a bibliography of sources used in the paper.

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believes that a realistic approach to the funding problem is for counties to continue to have the responsibility for hardware and maintenance costs and for the Legislature to fund software development and training costs for programs that meet Supreme Court standards. (See appendix A)



# I

## INTRODUCTION

The Montana Supreme Court established an eleven-member Commission to Study the Use of Appropriate Technology in the Montana Judiciary in December, 1987. The eleven-member Commission is composed of one Supreme Court Justice, two District Court Judges, two Limited Jurisdiction Court Judges, five clerks of District Court, and the Administrator of the Supreme Court.

The Court established the Commission in order to assess the extent of automation currently existing within judicial offices, to assess the need for automation, and to examine opportunities for improving the long-range operation of the court system through the application of appropriate technology.

Initially, the impetus for establishing a Commission stemmed from a broad sense within the Court that computerization was taking hold within the judiciary on an ad hoc, helter-skelter basis in which issues of control, compatibility, and cost-effectiveness were being ignored or simply not considered.

The Court Administrator's Office expressed concerns that local computerization was going in several different directions at the same time -- thus creating the long-term potential for a future Judicial "Tower of Babel" in which hundreds of different hardware



and software combinations would exist within judicial offices. Concern was expressed that such a development would be much more expensive in the long run and may effectively foreclose any future development of coordinated, efficient, and cost effective computerization that is integrated throughout the Courts and controlled independently by the Judiciary.

The Supreme Court charged the Commission with making a comprehensive review of the current and future uses of appropriate technology within the Montana Judiciary and recommending to the Supreme Court those changes and alternatives that the Commission found necessary to improve the operation of the judicial system.

Funding for the operations of the Commission came primarily from a grant from the Montana Board of Crime Control.

## II

### ACTIVITIES OF THE COMMISSION

The Commission held five meetings in calendar year 1988. The initial meeting of the Commission in February, 1988 established a general work plan and meeting schedule. The Commission took a broad approach to beginning its examination of computerization within the Montana court system.



Recognizing that the Commission had extremely limited resources, Commission members agreed that their task should begin with general familiarization of various automated systems currently in operation in the Supreme Court, District Courts, and Courts of Limited Jurisdiction.

The Commission also determined that it would need to conduct a general survey of the state of judicial automation in Montana and within law offices. The Commission approved a questionnaire on the use of automation in the Montana Courts which was submitted to all District Judges, Clerks of the District Court, County Commissioners, City Judges and Justices of the Peace. Of the questionnaires distributed, 72% responded to the survey.

A similar survey was published in the Montana Lawyer. Fifty-one firms representing 278 attorneys responded. (See next two sections for results of both surveys)

In March, 1988, the Commission met in Great Falls to discuss basic computer concepts, and to tour the Cascade County Computer Center, the Cascade County Justice Courts and the office of the Clerk of the District Court -- which went through extensive automation phases in 1987 and 1988. The Commission was also given an overview of automation in Missoula County and a presentation on Automation of the Wyoming County Court System.





Many members of the Commission attended the second National Conference on Court Technology in Denver, April 24 - 27, 1988, sponsored by the National Center for State Courts and 30 other court-related organizations. The four day conference was designed to help court managers to unravel some of the mysteries of computerization, enhance understanding of available court technology and identify potential solutions to today's court problems. The conference featured more than 60 varied seminars and workshops conducted by leaders in court management and technology.

Members of the Commission found the information garnered at the Denver Conference to be extremely valuable. The Denver Conference gave Commission members an insight into the opportunities and the pitfalls of computerization experienced in judicial offices throughout the country.

In August the Commission met in Billings to share information that had been presented at the Denver National Conference on Court Technology, discuss proposed improvements in the Supreme Court Clerk's docket, and to view a new computerized system used in the Billings City Court.

The August meeting in Billings and a September meeting in Kalispell were used to begin outlining options and alternatives for the short-term and long-term use of computer technology in



the court system.

### III

#### SURVEY OF THE USE OF AUTOMATION IN THE MONTANA JUDICIARY

The Commission conducted a survey in February, 1988, to determine the extent of automation in the Montana Judiciary. The survey included Courts of Limited Jurisdiction, District Judges, Clerks of the District Court and data-processing personnel of the various counties. A total of 152 responses were received as follows:

|                                |    |
|--------------------------------|----|
| District Judges                | 20 |
| Clerks of District Court       | 52 |
| Courts of Limited Jurisdiction | 55 |
| Counties                       | 25 |

Generally, the survey highlighted the fact that Judicial offices have little if any automation outside of large metropolitan areas such as Great Falls, Missoula, and Kalispell. Even in large jurisdictions such as Billings and Helena, automation in the courts is very limited. The First Judicial District in Helena, for instance, had no automation in the District Court Judges offices (including secretaries and law clerks) and limited automation in the clerks office. There were no personal computers



in District Court offices in the First Judicial District. There are exceptions. One District Judge has, for two years, been using a PC and specially designed software both for word processing and the tracking of all civil cases. The total cost was under \$2,500 and the results have been dramatic.

While a majority of courts indicated that no automation project was planned for the foreseeable future, eighteen responded that automation projects were being developed and sixteen respondents reported that an adequate court computer system was being maintained. Nearly seventy five responses to the survey stated that automation was being considered or that they would definitely be interested in having a good system installed.

Some courts -- primarily Courts of Limited Jurisdiction-- currently use a variety of personal computers. IBM PC's or IBM compatible PC's were the most widely used.

Courts with PC's use a variety of software packages. The word processing package most used (10 offices) is WordPerfect. Courts also use a variety of spreadsheet (mostly Lotus 1-2-3) and data base (mostly DBase III) packages.

In addition to personal computers, some large jurisdictions have been or are being automated by a data processing division of the county. The Clerks of the District Court of Ravalli and



Yellowstone Counties reported the use of an IBM System 36. Clerk's of the District Court of Cascade and Lewis and Clark County, and City Courts in Billings, Bozeman and Great Falls all reported the use of an IBM System 38. The Flathead County Clerk of Court and the Flathead County Justice Courts have access to a Burroughs B-1955, while Missoula County Clerk of Court and the Missoula County Justice Courts report the use of a Burroughs B1990SP.

Whether a court is using a microcomputer or a minicomputer, word processing is only a part of the work a computer accomplishes. Courts of Limited Jurisdiction reported the use of software packages which automate the following functions: Financial Accounting and Bookkeeping, Trust Accounting, Payment of Restitution, Personal Injury/Property Damage, Civil Complaints/Petitions, Small Claims, Traffic Misdemeanors, Misdemeanors/DUI, and Traffic Infractions.

Clerks of the District Court reported automation of Domestic Relations, Personal Injury/Property Damage, Support Proceedings, Civil Complaints/Petitions, Felonies, Youth Rehabilitation Proceedings, Child Protective Act Cases, Adoption/Termination of Parental Rights, Guardianship of Minors, Guardianship of Incapacitated Persons, Informal Estate Proceedings, Habeas Corpus Proceedings and Other Special Proceedings.





The survey has not been reprinted in this report, but is available from the Office of the Court Administrator, Room 315, Justice Building, Helena, MT 59620, Phone: (406) 444-2634.

#### IV

#### SURVEY OF THE USE OF AUTOMATION IN THE MONTANA LEGAL PROFESSION

At the request of the Commission, the State Bar of Montana published a questionnaire in the March, 1988, issue of the Montana Lawyer meant to survey subscribers about the extent of automation in legal offices. A total of 51 firms around the State representing 278 attorneys responded to the survey.

In addition to the 278 Attorneys represented, the 51 firms responding to the survey employ 188 full time secretaries, 31 part time secretaries, 51 full time paralegal and 5 part time paralegal. Responses were received from the following cities:

|             |   |          |   |
|-------------|---|----------|---|
| Billings    | 8 | Libby    | 2 |
| Helena      | 7 | Bigfork  | 1 |
| Great Falls | 5 | Glasgow  | 1 |
| Missoula    | 5 | Hamilton | 1 |
| Kalispell   | 4 | Choteau  | 1 |



|            |   |          |   |
|------------|---|----------|---|
| Bozeman    | 3 | Eureka   | 1 |
| Miles City | 2 | Cut Bank | 1 |
| Big Timber | 2 | Wibaux   | 1 |
| Butte      | 2 |          |   |

Three respondents did not identify the firm nor the location of the firm on the survey.

The results of the survey would support a general conclusion that law offices tend to be highly automated and use a variety of sophisticated software to process their workload. The automation of the legal profession offers an opportunity for coordination between the legal profession and the Judiciary that needs further study.

Legal offices appear to lean heavily in the direction of IBM equipment and towards PC systems. Firms responding to the questionnaire include one IBM System 6, one IBM System 32, one IBM System 36, one IBM 5520 Administrative System, one IBM Displaywriter and 17 IBM PC's. Firms also reported using six Apple MacIntosh, three Apple 11E and one Apple 11G, and fifteen microcomputers of various manufacturers.

The word processing package most used by the legal profession was WordPerfect. Other word processing packages reported were Word Star, Microsoft Word, Displaywriter, Appleworks, Lanier and Wang.



and various other word processing packages.

Legal firms also reported using data base packages such as Appleworks, DBase III, and RBase V. Spreadsheet packages included Appleworks Spreadsheet, Excell Spreadsheet, Lotus 1-2-3, PC Calc and Twin.

In addition, legal firms use data base search processes such as Westlaw and Lexis and management tools for accounting and financial management, bankruptcy, time and billing, calendar management, litigation support, and telephone billing and time management.

To obtain a copy of the survey on automation in the Montana Legal Profession please contact the Office of the Court Administrator, Room 315, Justice Building, 215 North Sanders, Helena, MT 59620, Phone: (406) 444-2634.

## V

### COMPARISON OF THE USE OF AUTOMATION BETWEEN THE EXECUTIVE, LEGISLATIVE AND JUDICIAL BRANCHES

The Commission conducted a survey of microcomputer use in state government. The survey demonstrated that microcomputers have



taken hold at the state level and are being used to perform a variety of different tasks from word processing to budget projections.

In calendar year 1983, according to the Legislative Auditor, there were only 50 microcomputers in the entire state system (not including the University System). In calendar year 1987, that number had soared to 1,345 in state government -- and more than 1,700 in the University System. The state government portion of the microcomputer investment, not counting peripherals, represented almost \$8 million.

At the state level, the Judiciary had no microcomputers in 1983 and only 2 in 1987.

The survey shows that microcomputers are widely spread throughout state level government. Due to the length of the survey it is not printed as part of this report, but the survey is available in the Office of the Court Administrator.

## VI

### GENERAL FINDINGS

The Commission on Technology believes that it has made a valuable beginning in the past year understanding both the challenges and





the opportunities that the wise use of appropriate technology offers to the Montana Judiciary. Computers -- and particularly microcomputers -- are modern tools that offer the Judiciary the possibility of managing an increasing caseload and workload, keeping timely control of dockets and calendars, and insuring that the court's caseload moves without unnecessary delay through the judicial system.

The Commission finds that the current use of computers in the Montana Judiciary is woefully inadequate. A strong but realistic program must be initiated to address the current lack of resources and coordination. Now is an opportune time -- before major new investments are made acquiring incompatible hardware and software systems-- for the Judiciary to explore systematically the acquisition and use of modern technology.

There are numerous benefits that are to be derived from the use of computers in the Judiciary. Judges, clerks, and other judicial personnel are responsible for the fair and efficient administration of justice. They are charged, for example, with ensuring that criminals do not go free for lack of speedy trial, that child support and victim restitution payments are processed as expeditiously as possible, and that court fees and fines are collected and distributed in a timely manner to state and local governments. In addition the use of computers allows the courts to more cost-efficiently gain control over their dockets and



calendars, and to be able to manage the same so as to expedite cases and dispose of them in a timely manner. Modern computer technology makes it possible for judicial personnel to accomplish these and other important tasks and to offer the public fast and efficient services.

The Commission believes it is an important part of the principal of judicial independence that the Judiciary shape and control its own automation needs. As the Judiciary shapes and controls those needs, the Commission also believes that the best approach is one that is cautious, evolutionary, low risk, and flexible.

The Commission has made a good beginning. It has learned that while automation in the Montana Courts is limited, many judicial officers are interested in exploring what computers can do for their court. Numerous courts are already in the initial phases of equipment and software acquisition. Several courts, Limited Jurisdiction Courts in particular, even have begun to develop software packages to manage their caseload. While this development has much that is positive, it forces policy makers to question whether we want to pay over and over for incompatible software packages or if there isn't a better, less expensive manner of providing courts with the necessary tools with which to do their jobs.



## VII

### RECOMMENDATIONS

1. The Commission concludes that the time is ripe for the Supreme Court to provide a forum whereby the use of computers can be systematically encouraged, introduced, and supported within judicial operations. The Commission recommends the establishment of a permanent Commission of the Supreme Court charged with both developing and monitoring long-range goals and objectives for automation within the Montana Judiciary. A permanent Commission is needed so that the Judicial Branch can begin to control its own information and management systems -- to set a course that makes sense to it and to adjust that course when necessary in a constantly changing world. Without a Commission to oversee and coordinate the general direction of computerization in the Judiciary, the court system will continue to make uninformed decisions and be at the mercy of outside data processing staffs and grandiose promises made by computer vendors.

A permanent commission is needed because there is much that needs to be done. The Commission's work in the last year has been of a preliminary nature. Now, an institutional framework needs to be created in which to specifically define needs and problems, examine information flow and bottlenecks, establish security and backup systems, and to investigate specific software and hardware alternatives.



A permanent Commission that guides and coordinates the use of technology is a key element in moving forward towards a more modern court system.

2. Various computer standards need to be adopted by the Supreme Court as guidelines for future computer purchases. Standards relate to a variety of factors which include hardware and software, data elements, data standards, and definitions used within the Judiciary. The primary goal of such standards would be to establish within Judicial operations standards and guidelines that encourage compatibility, flexibility, expandability that in turn allow economical and easy transfer of information between the various levels of the court system. It makes no sense to have incompatible systems between the state and local level; it makes even less sense when this occurs between a Clerk of Courts office and a Judge. The Commission's survey identified a trend in this direction that needs to be addressed.

In setting standards, consideration needs to be given to how they can be made adaptable to the needs and capabilities of the various counties and compatible with other state-level needs.

The task of setting standards for hardware, software, peripherals, data elements, and the like is one that should be a high priority for a permanent commission.





3. Microcomputers using MS DOS operating systems should be strongly considered as the hardware/operating system standard adopted by the Supreme Court. Microcomputers appear to offer the greatest opportunity for promoting judicial efficiency in word processing and information management, they are relatively low cost, and they provide flexibility for communicating with other operating systems. MS DOS (or AT&T's UNIX system) is an operating system that meets the goals of working on a sizeable selection of hardware, is time-tested, and operates a large number of applications. The availability of this hardware and software is attractive and leads to some natural compatibility between the Judiciary, other state and county agencies, and private law firms.

The Commission should be charged with making a detailed analysis of hardware/operating system standards for eventual adoption by the Supreme Court.

4. Microcomputer-based software packages should be developed for statewide applications.

Software packages are being developed in a number of locations throughout the state -- both publicly and by private vendors who later sell their product to an individual court. The Commission believes that software packages can and should be developed to operate various components of the court system. These components



need to be developed centrally, paid for only once, and updated on a continual basis. Support and training for the installation and operation of such software components is also done most efficiently and economically if it is developed centrally.

Software packages should be developed in distinct modules that can be phased-in over a 5-year period and customized for individual courts. The initial development should concentrate on providing management components for the Clerk of District Court and Limited Jurisdiction Courts and ultimately link judges and other judicial personnel with the automated records of the clerks office.

5. The Supreme Court should explore with the Legislature and county officials the funding of long-term improvements of judicial operations through hardware purchases and software development. The Commission believes that a realistic approach in the funding area would be for counties to pay for hardware (and maintenance) that is compatible with Supreme Court standards -- and for the Legislature to fund software development and training costs.

The Commission believes that the Legislature would have a natural interest in funding software since it would promote a level of uniformity and ensure the timely revision of various procedures after a Legislative Session.



6. The Supreme Court Administrator's Office should develop as soon as possible a modest in-house capacity to:

- act as a clearing house for information on hardware and software;
- establish an educational and training program to assist judicial personnel with the task of becoming familiar with computer technology;
- begin the development of standard software programs that will serve the needs of District Court Judges, Clerks offices, and Judges and personnel in Courts of Limited Jurisdiction;
- offer short-term technical assistance and help for implementation problems.



VIII  
APPENDICES





\_\_\_\_\_  
BILL NO. \_\_\_\_\_

INTRODUCED BY \_\_\_\_\_

A BILL FOR AN ACT ENTITLED: "AN ACT APPROPRIATING MONEY FOR IMPROVEMENT FUNDING TO THE JUDICIARY AND PROVIDING AN EFFECTIVE DATE."

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

Section 1. Appropriation. The following amounts are appropriated from the general fund to the Supreme Court to provide improvement funding for the operation of Montana's court system:

|                                  | FY 1990   | FY 1991  |
|----------------------------------|-----------|----------|
| Supreme Court Operations Program | \$131,104 | \$72,058 |
| Boards and Commissions           | 7,215     | 7,215    |

Section 2. Purpose. The appropriation in section 1 is intended to provide:

1) hardware and software for a computerization pilot project in district courts;

2) two FTE systems analysts (plus associated equipment, travel, and supplies) in the Office of the Court Administrator to begin development of uniform software packages and computer training for district courts and court of limited jurisdiction;

3) funding for 6 meetings per year of the Commission on Appropriate Technology.

Section 3. Effective date. [This act] is effective July 1, 1989.





